

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GREGORY GAMACHE,

Plaintiff,

OPINION AND ORDER

v.

11-cv-173-wmc

UNITED STATES OF AMERICA,

Defendant.

Pro se plaintiff Gregory Gamache has filed this proposed civil action against defendant United States of America. Gamache has been allowed to proceed without prepayment of costs and fees in this action. After screening his complaint under 28 U.S.C. § 1915(e)(2), the court concludes that Gamache lacks standing to bring his claims in the court. In any event, this court has no subject matter jurisdiction of his claims.

ALLEGATIONS OF FACT

In addressing any pro se litigant's complaint, the court must read the allegations of the complaint generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). For purposes of this screening order, the court assumes the following facts alleged in Gamache's complaint:

- Plaintiff Gregory Gamache is an adult resident of St. Charles, Missouri.
- United States federal lawmakers have refused to pass laws that would protect their citizens against the use of electronic weapons.
- These devices are being used on 40,000 Americans currently.
- These devices permanently damage, injure and kill people.

been
plaintiff
H. Hardin, Secretary to
Judge William M. Conley

OPINION

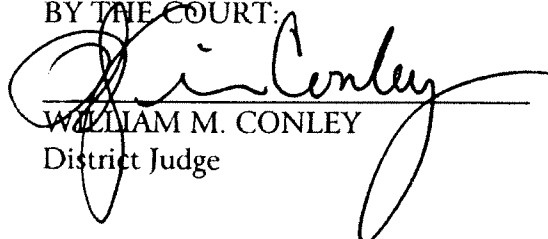
Plaintiff Gregory Gamache seeks a court order for the immediate passage of a United States federal law, protecting its citizens from the use of electronic weapons. There are two problems with his complaint. First, Gamache alleges no injury to himself, and does not have standing to sue for the injuries of others. *Hinck v. United States*, 550 U.S. 501, 510, n.3 (2007). Second, Gamache names the United States of America as a defendant. To sue the United States or its agencies in federal court, a plaintiff must show that (1) he has a basis for subject matter jurisdiction in the district court where he is suing and (2) the sovereign immunity of the United States does not bar the cause of action. *Clark v. United States*, 326 F.3d 911, 912 (7th Cir. 2003); *see also Dolan v. United States Postal Service*, 546 U.S. 481, 483-84 (2006). Gamache makes neither showing here. Indeed, Gamache's prayer for relief makes plain that his remedy will not come from a court of law, but rather from petitioning his legislative representative to pass the new legislation he seeks. Therefore, his complaint must be dismissed for lack of subject matter jurisdiction.

ORDER

IT IS ORDERED that plaintiff Gregory Gamache's complaint is DISMISSED with prejudice for lack of jurisdiction. The clerk of court is directed to close this case.

Entered this 1st day of July, 2011.

BY THE COURT:


WILLIAM M. CONLEY
District Judge